



SO ORDERED.

SIGNED this 13 day of August, 2015.

*Stephani W. Humrickhouse*

Stephani W. Humrickhouse  
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
GREENVILLE DIVISION

IN RE:

Case No. 15-02254-5-SWH

CHRISTOPHER T. FURLOUGH

Chapter 12

Debtor

**CONSENT ORDER TERMINATING THE §362 AUTOMATIC STAY**

By agreement of the movant CNH Industrial Capital America LLC f/k/a CNH Capital America LLC (hereinafter "Movant"), the debtor, and creditors Meherrin Agricultural & Chemical Company and Harvey Fertilizer and Gas Co., all through counsel, and with no objection from the Trustee, and this Court being sufficiently advised:

**AND IT APPEARING THAT** Movant is a creditor of the debtor in this proceeding; that the debt owed to Movant by the debtor arose as a result of a retail installment sale contract entered into by the Debtor; and Movant has maintained a properly perfected purchase money security interest in a John Deere Tractor 4WD, model 9400, serial number H011049 (the "Collateral").

**AND IT FURTHER APPEARING THAT** Movant is entitled to relief from the automatic stay because the Debtor has no equity in the Collateral, Movant lacks adequate protection with respect to the Collateral, and the Collateral is not necessary for the Debtor's successful reorganization.

**NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

1. The automatic stay is hereby immediately terminated pursuant to 11 U.S.C. § 362 to allow Movant to enforce its security interest in the Collateral and liquidate the same;
2. The Debtor is ordered to immediately surrender the Collateral;
3. To the extent there are surplus proceeds, Movant shall pay said surplus to the Trustee, pending further Orders of this Court;
4. Movant may apply the net proceeds of disposition to its claim immediately, and is afforded 90 days from this Order's date to file an Amended Unsecured Proof of Claim for any deficiency balance owed;
5. This Order shall be immediately enforceable and effective and that the provisions of Rule 4001(a)(3) are hereby waived; and
6. This order partially resolves Movant's motion for relief from the automatic stay (Dkt No. 23). The motion, however, remains pending as to the Macdon Combine Head, model FD75, serial number 245072-14 and shall remain on for hearing as scheduled on August 13, 2015.

**HAVE SEEN & AGREED**

/s/Caren D. Enloe  
Attorney for Creditor CNH Industrial  
Capital America LLC  
P.O. Box 26268  
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**HAVE SEEN & AGREED**

/s/Laurie B. Biggs  
Attorney for Debtor  
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**HAVE SEEN & AGREED**

/s/J. Michael Fields

Attorney for Meherrin Agricultural &  
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and Gas Co.

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**NO OBJECTION**

/s/Richard M. Stearns

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